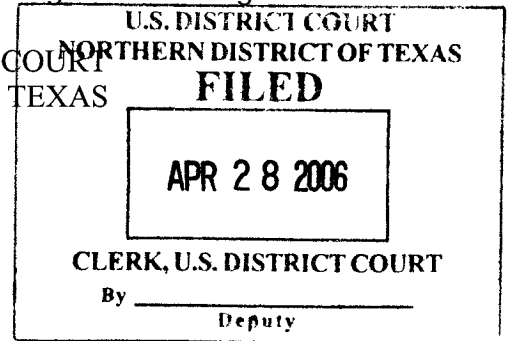


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



SHANE McCLAIN CAIN,

Petitioner,

v.

DOUGLAS DRETKE, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:03-CV-0420

**ORDER ADOPTING REPORT AND RECOMMENDATION and**  
**DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came for consideration the Petition for a Writ of Habeas Corpus by a Person in State Custody filed by petitioner. On April 7, 2006, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's application for a writ of habeas corpus be dismissed for lack of subject matter jurisdiction. As of this date, no objections to the Report and Recommendation have been filed of record.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DISMISSED.

IT IS SO ORDERED.

ENTERED this 28<sup>th</sup> day of April 2006.

MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE